



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 5716-00
7 December 2000

LT [REDACTED] USN

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 6 November 2000 with enclosure, a copy of which is attached. They also considered your rebuttal letter dated 28 November 2000 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1611
Ser 834C/1063
6 Nov 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: LT [REDACTED], MSC, USN [REDACTED]

Ref: (a) BCNR memo 5420 Pers-00ZCB of 16 Oct 00
(b) SECNAVINST 1420.1A

Encl: (1) BCNR file 5716-00
(2) NAVINSGEN ltr 5041/19990317 Ser N68/0151 of 24 Jan 00

1. Reference (a) requested comments and recommendations concerning the [REDACTED]'s request to be reinstated on the FY-00 Active Lieutenant Commander Staff promotion list. Enclosure (1) is returned as a matter under the purview of BCNR.

2. In his petition, [REDACTED] contends his professional performance was not considered by Chief of Naval Personnel, Chief of Naval Operations or The Secretary of the Navy prior to his promotion removal. [REDACTED] overall professional performance was reviewed by the FY-00 Active Lieutenant Commander Staff board and based on that review, he was consequently selected for promotion. His promotion delay was due to a DoD Hotline investigation that was not available to the selection board. In all such cases, the negative information must be reviewed by the Secretary of the Navy in order to determine his suitability for promotion. The Secretary of the Navy is not required to conduct a *de novo* review of his full record that the Selection Board had already reviewed. A nomination for promotion from the selection implies that his record justifies such nomination, but that does not mean the officer is fit for promotion. Prior to any review, [REDACTED] is given an opportunity to submit a statement that would clarify or rebut the negative information being reviewed. By his own statement, [REDACTED] admits he understood he had the opportunity to submit a personnel statement, but choose not to make a statement based on advice he received from his chain of command.

3. As indicated by enclosure (1), the basis for [REDACTED] removal from the FY-00 Active Lieutenant

Subj: LT [REDACTED], MSC, USN [REDACTED]

Commander Staff Promotion List was his substantiated misconduct of fraternization, enclosure (2). As delineated by reference (b), the Secretary of the Navy may remove the name of an officer from a promotion list if the officer is "mentally, physically, morally, or professionally unqualified." Accordingly, [REDACTED] was found unqualified for promotion because of his misconduct.

4. [REDACTED]'s professional performance, while sufficient to establish that his nomination by the selection board was justified, is not determinative of his fitness to assume the higher office. As this removal action was consistent with applicable directives and the handling of similar cases, I do not recommend relief be granted to [REDACTED] in this matter.

[REDACTED]
[REDACTED]
[REDACTED]
Commander, U.S. Navy
Director, Personnel Performance &
Security Division (PERS-83)



DEPARTMENT OF THE NAVY
 NAVAL INSPECTOR GENERAL
 WASHINGTON NAVY YARD
 1014 N STREET SE SUITE 100
 WASHINGTON, D.C. 20374-5006

IN REPLY REFER TO:

5041/19990317
 Ser N68/0151
 24 JAN 2000

From: Naval Inspector General
 To: Inspector General, Department of Defense, Assistant
 Director, Defense Hotline
 Subj: DOD HOTLINE COMPLAINT 72616 (19990317); COMPLETION REPORT
 Ref: a) DoD Directive 7050.7
 Encl: 1) CINCLANTFLT ltr 5041 Ser N00IG2/227 of 26 Oct 99
 2) NAVMEDCEN Portsmouth ltr 5370 Ser 00/0339 of
 25 Jun 99

1. Per reference (a), we have reviewed enclosures (1) and (2). The investigation partially substantiated the allegations.
2. The allegations regarding fraternization were partially substantiated. Although the majority of the interactions that took place between the personnel involved occurred within the context of office lunches and functions, the unduly familiar relationship included dinners together and the conduct of at least one personal errand. Although the investigation confirmed that all four individuals regarded their relationship as more than professional in nature, the investigation found no evidence of an extramarital sexual relationship. The investigation found no evidence that race played a role in the outcome of Captain's Mast. Additionally, during the investigation, the investigating officer identified additional concerns associated with several of witnesses to the original hotline complaint. Disciplinary and/or administrative actions have been taken towards the subjects and additional witnesses.
3. Corrective actions were appropriate and sufficient. The Naval Inspector General considers this case closed. Upon the completion of your review, please notify Chief of Naval Personnel (PERS 834) of your findings.

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 BUPERS (PERS 834)
 CINCLANTFLT (IG)

Along Deputy Naval Inspector General

OPTIONAL FORM 99 (7-90)

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NSN 7540-01-317-7366 5099-101 GENERAL SERVICES ADMINISTRATION		